

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE,
AT WINCHESTER

FILED

2009 SEP 30 P 2:16

CITIZENS TRI-COUNTY BANK,)
Plaintiff,) U.S. DISTRICT COURT
vs.) EASTERN DIST. TENN.
AMERICAN NATIONAL PROPERTY) CIVIL ACTION
AND CASUALTY COMPANY) NO. 4:09-cv-104 BY DEPT. CLERK
Defendant.) JURY DEMAND
Mattice/Carter

NOTICE OF REMOVAL

Comes now the defendant, American National Property and Casualty Company, and petitions this Court for removal of an action heretofore filed in the Chancery Court for Grundy County, Tennessee, and for grounds would show the Court as follows:

I.

The above named plaintiff has filed a complaint and summons in the Chancery Court for Grundy County, Tennessee under Civil Action No. 6059 said action being filed on the 18th day of September, 2009.

II.

The above lawsuit is a breach of contract action wherein the plaintiff seeks recovery from the defendant the proceeds of an insurance policy allegedly insuring a dwelling and its contents at 638 Fletcher Road, Gruetli Laager, Grundy County, Tennessee. Plaintiff contends that it is entitled to payment of its lien on the insured property as a result of a fire on December 29, 2008. While the complaint does not allege an *ad damnum*, plaintiff caused a Deed of Trust to be filed on December 29, 2006 in the Register of Deed's Office for Grundy County securing a lien with the principal amount being One Hundred Ninety Five Thousand

and 00/100s (\$195,000.00) Dollars. A copy of the Summons and Complaint are attached hereto as "Exhibit A." The dwelling coverage limit of the subject policy is greater than Seventy Five Thousand (\$75,000.00) Dollars; therefore, the amount in controversy exceeds Seventy Five Thousand (\$75,000.00) Dollars.

III.

This Notice of Removal is filed within the statutory period required by 28 USCA Section 1446. There is a complete diversity between the plaintiff and defendant and the amount in controversy exceeds the sum of Seventy Five Thousand (\$75,000.00) Dollars, exclusive of interest and cost.

IV.

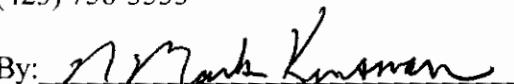
The plaintiff is a corporation organized under the laws of the State of Tennessee with its principal office in Dunlap, Tennessee. Defendant, American National Property and Casualty Company, is a corporation organized and existing under the laws of the State of Missouri with its principal place of business in Springfield, Missouri. It is not incorporated in Tennessee and does not have its principal business in Tennessee. There is complete diversity of citizenship between the parties as required by 28 USCA Section 1332. The amount in controversy exceeds Seventy Five Thousand (\$75,000.00) Dollars exclusive of interest and costs and is, therefore, within the statutory jurisdiction set forth at 28 USCA Section 1332.

V.

WHEREFORE, the defendant, American National Property and Casualty Company, respectfully requests the court to accept removal of this cause from the Chancery Court for Grundy County, Tennessee, and to proceed with this action in accordance with the law.

Respectfully submitted,

BAKER, KINSMAN, HOLLIS,
CLELLAND & WINER, P.C.
701 Market Street, Suite 1500.
Chattanooga, TN 37402-4825
(423) 756-3333

By: 
N. MARK KINSMAN, BPR No. 6093
J. CHAD HOGUE, BPR No. 25457
Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of this pleading upon the below named attorney(s) either by messenger delivery or by depositing a copy of same in the U.S. Mail, regular post, with sufficient postage attached thereto for proper delivery.

L. Thomas Austin, Esq.
Jennifer A. Mitchell, Esq.
P.O. Box 666
Dunlap, TN 37327

This 28 day of Sept, 2009.

By: 